

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

IN RE: EPHEDRA PRODUCTS LIABILITY LITIGATION

PAUL and SHERRI CROSS

Plaintiffs,

vs.

MUSCLETECH RESEARCH & DEVELOPMENT, INC., et al.

Defendants.

-----X

PERTAINS TO

DOCKET NO. 1:04-cv-8557


-----X

1:04-md-1598 (JSR) ←

**ORDER  
GRANTING  
ADMISSION PRO  
HAC VICE**

Upon motion for admission *pro hac vice* to the Bar of this Court as counsel for plaintiffs Paul and Sherri Cross in Case No. 1:04-cv-8557, the Court having considered the Motion and Affidavits of counsel, it is hereby **ORDERED** that said motion be granted, and that Scott S. Segal, Samuel A. Hrko, Deborah L. McHenry, and Victor S. Woods, respectively, be and hereby are admitted *pro hac vice* to the Bar of this Court to serve as counsel for plaintiffs in the above-captioned proceeding.

Dated this 15<sup>th</sup> day of December, 2004.

  
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JUDGE JED S. RAKOFF  
U.S. DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE: EPHEDRA PRODUCTS LIABILITY LITIGATION	:	1:04-md-1598-JSR
-----X	:	
PERTAINS TO THE FOLLOWING CASE:	:	<b>NOTICE OF</b>
	:	<b>MOTION FOR</b>
	:	<b>ADMISSION PRO</b>
Cross v. Muscletech Research and Development, Inc., et al.	:	<b>HAC VICE</b>
Case No. 1:04-cv-8557-JSR	:	

Counsel for plaintiffs Paul and Sherri Cross in Case No. 1:04-cv-8557, hereby move the Court pursuant to Local Rule 1.3(c) for admission *pro hac vice* to the Bar of this Court, to serve as counsel in the above-captioned matter. In support of this motion, the undersigned state as follows:

1. Scott S. Segal is the principal of The Segal Law Firm, 810 Kanawha Boulevard, East, Charleston, West Virginia 25301.
2. Samuel A. Hrko, Deborah L. McHenry and Victor S. Woods are associates of The Segal Law Firm, 810 Kanawha Boulevard, East, Charleston, West Virginia 25301.
3. The Segal Law Firm has represented plaintiffs Paul and Sherri Cross as counsel since the inception of this action, and was counsel of record in proceedings before the United States District Court for the Southern District of West Virginia.
4. As attested to by the affidavits attached hereto as Exhibits A through D, and certificates of good standing attached thereto, Scott S. Segal, Samuel A. Hrko, Deborah L. McHenry

and Victor S. Woods are admitted to practice before, and are members in good standing of the Bars of, the Supreme Court of Appeals of West Virginia and the United States District Court for the Southern District of West Virginia.

5. Pursuant to Rule 1.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, "every member of the Bar of any district court of the United States is entitled without condition to practice before the Judicial Panel on Multidistrict Litigation," and "[a]ny attorney of record in any action transferred under Section 1407 may continue to represent his or her client in any district court of the United States to which such action is transferred."

WHEREFORE, counsel for plaintiffs Paul and Sherri Cross, Scott S. Segal, Samuel A. Hrko, Deborah L. McHenry and Victor S. Woods respectfully move the Court for an Order admitting them *pro hac vice* to the Bar of this Court for purpose of acting as counsel in *Paul and Sherri Cross v. MuscleTech Research and Dev., Inc., et al.*, MDL Case No. 1:04-cv-8557.

*Respectfully submitted,*

Plaintiffs,  
By counsel

THE SEGAL LAW FIRM  
A Legal Corporation  
810 Kanawha Boulevard, East  
Charleston, West Virginia 25301  
Telephone: (304) 344-9100  
Facsimile: (304) 344-9105  
samuel.hrko@segal-law.com

  
\_\_\_\_\_  
SCOTT S. SEGAL

  
SAMUEL A. HRKO

  
DEBORAH L. McHENRY

  
VICTOR S. WOODS

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
IN RE: EPHEDRA PRODUCTS LIABILITY LITIGATION	:	1:04-md-1598-JSR
-----X	:	
PERTAINS TO THE FOLLOWING CASE:	:	<b>AFFIDAVIT FOR</b>
	:	<b>ADMISSION PRO</b>
	:	<b>HAC VICE OF</b>
Cross v. Muscletech Research and Development, Inc., et al.	:	<b>SCOTT S. SEGAL</b>
Case No. 1:04-cv-8557-JSR	:	

Scott S. Segal, after first being duly sworn, deposes and states as follows:

1. I am the principal of The Segal Law Firm, 810 Kanawha Boulevard, East, Charleston, West Virginia 25301, which is counsel for plaintiffs Paul and Sherri Cross in MDL Case No. 1:04-cv-8557.
2. I received a B.S. from the University of Vermont in 1977, and graduated in 1981 from the West Virginia University College of Law.
3. As evidenced by the certificates attached hereto as Exhibits 1 and 2, I was admitted in 1981 to practice before the Supreme Court of Appeals of West Virginia and the United States District Court for the Southern District of West Virginia, and am currently a member in good standing of the Bars of both courts. I am presently admitted to practice before all state and federal courts in the State of West Virginia, the United States Supreme Court, and the United States Court of Appeals for the Fourth Circuit.
4. The Segal Law Firm has represented plaintiffs Paul and Sherri Cross as counsel since

the inception of this action, and I was counsel of record in proceedings before the United States District Court for the Southern District of West Virginia.

5. I have never been censured, suspended, disbarred or otherwise disciplined by any court, nor have I ever been held in contempt of court.

6. I seek admission to the Bar of this Court *pro hac vice* for the purpose of serving as counsel to plaintiffs in *Paul and Sherri Cross v. MuscleTech Research and Dev., Inc., et al.*, Case No. 1:04-cv-8557.

7. I agree to abide by all rules and requirements pertaining to proceedings before this Court, including the Rules of Procedure of the Judicial Panel on Multidistrict Litigation and the local rules of the U.S. District Court for the Southern District of New York.

Further, this affiant sayeth naught.

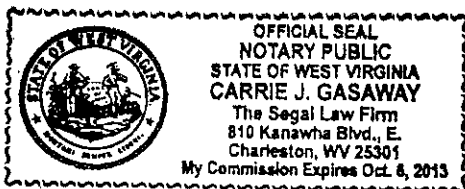
  
SCOTT S. SEGAL

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA

Subscribed, sworn to and acknowledged before me by Scott S. Segal, this 13<sup>th</sup> day of December, 2004.

My Commission expires: October 6, 2013



  
NOTARY PUBLIC

*STATE OF WEST VIRGINIA*

*I, Rory L. Perry II, Clerk of the Supreme Court of Appeals of West Virginia, hereby do certify that Scott S. Segal, of Charleston, West Virginia, an attorney duly licensed to practice law in this State, was admitted to practice law before the Supreme Court of Appeals of West Virginia, the highest court of the State, on the 19<sup>th</sup> day of May, 1981; that he is an attorney in good standing in said Court and is currently on active status and that his private and professional characters are good.*

*Given under my hand and seal of said Court, at Charleston, West Virginia, this 2<sup>nd</sup> day of December, 2004, and in the 142<sup>nd</sup> year of the State.*



  
\_\_\_\_\_  
*Clerk, Supreme Court of Appeals of West Virginia*

## CERTIFICATE OF GOOD STANDING

UNITED STATES OF AMERICA

I ss.

SOUTHERN DISTRICT OF WEST VIRGINIA

I,

Teresa L. Deppner,  
District Court for the Southern District of West Virginia

Clerk of the United States

DO HEREBY CERTIFY THAT

**SCOTT SUMNER SEGAL**

was

duly admitted to practice in said Court on

May 19, 1981

and is in good standing as a member

of the bar of said Court.

Dated at Charleston

Teresa L. Deppner

\_\_\_\_\_  
Clerk

on December 13, 2004

  
Deputy Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	
IN RE: EPHEDRA PRODUCTS LIABILITY LITIGATION	: 1:04-md-1598-JSR
-----X	
PERTAINS TO THE FOLLOWING CASE:	: <b>AFFIDAVIT FOR</b>
	: <b>ADMISSION PRO</b>
	: <b>HAC VICE OF</b>
Cross v. Muscletech Research and Development, Inc., et al.	: <b>SAMUEL A. HRKO</b>
Case No. 1:04-cv-8557-JSR	

Samuel A. Hrko, after first being duly sworn, deposes and states as follows:

1. I am an associate with The Segal Law Firm, 810 Kanawha Boulevard, East, Charleston, West Virginia 25301, which is counsel for plaintiffs Paul and Sherri Cross in MDL Case No. 1:04-cv-8557.

2. I received a B.S. in Chemistry, Cum Laude, from West Virginia State University in 1995, and graduated in 1998 from the Ohio Northern University College of Law.

3. As evidenced by the certificates attached hereto as Exhibits 1 and 2, I was admitted in 1998 to practice before the Supreme Court of Appeals of West Virginia and the United States District Court for the Southern District of West Virginia, and am currently a member in good standing of the Bars of both courts. I am presently admitted to practice before all state and federal courts in the State of West Virginia, as well as the United States Court of Appeals for the Fourth Circuit.

4. I have never been censured, suspended, disbarred or otherwise disciplined by any court, nor have I ever been held in contempt of court.

5. I seek admission to this Court *pro hac vice* for the purpose of serving as counsel to plaintiffs in *Cross v. MuscleTech, et al.*, No. 04-CV-0557.

6. I agree to abide by all rules and requirements pertaining to proceedings before this Court, including the local rules of the U.S. District Court for the Southern District of New York.

Further, this affiant sayeth naught.

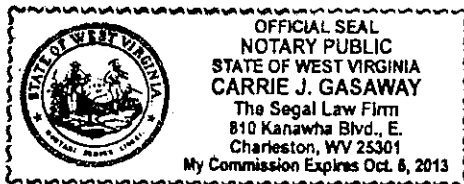
  
\_\_\_\_\_  
SAMUEL A. HRKO

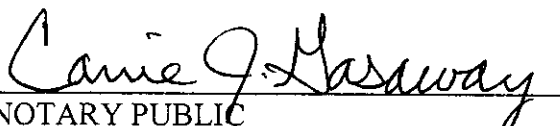
STATE OF WEST VIRGINIA

COUNTY OF KANAWHA

Subscribed, sworn to and acknowledged before me by Samuel A. Hrko, this 13<sup>th</sup> day of December, 2004.

My Commission expires: October 6, 2013



  
\_\_\_\_\_  
NOTARY PUBLIC

*STATE OF WEST VIRGINIA*

*I, Rory L. Perry II, Clerk of the Supreme Court of Appeals of West Virginia, hereby do certify that Samuel A. Hrko, of Charleston, West Virginia, an attorney duly licensed to practice law in this State, was admitted to practice law before the Supreme Court of Appeals of West Virginia, the highest court of the State, on the 13<sup>th</sup> day of October, 1998; that he is an attorney in good standing in said Court and is currently on active status and that his private and professional characters are good.*

*Given under my hand and seal of said Court, at Charleston, West Virginia, this 2<sup>nd</sup> day of December, 2004, and in the 142<sup>nd</sup> year of the State.*



  
\_\_\_\_\_  
*Clerk, Supreme Court of Appeals of West Virginia*

## CERTIFICATE OF GOOD STANDING

UNITED STATES OF AMERICA

I ss.

SOUTHERN DISTRICT OF WEST VIRGINIA

I, **Teresa L. Deppner,** Clerk of the United States  
District Court for the Southern District of West Virginia

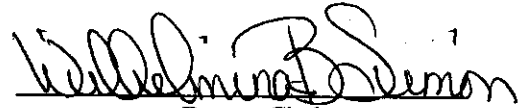
DO HEREBY CERTIFY THAT **SAMUEL ALEXANDER HRKO** was  
duly admitted to practice in said Court on **October 13, 1998** and is in good standing as a member  
of the bar of said Court.

Dated at **Charleston**

**Teresa L. Deppner**

\_\_\_\_\_  
Clerk

on **December 13, 2004**

  
\_\_\_\_\_  
Deputy Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE: EPHEDRA PRODUCTS LIABILITY LITIGATION	:	1:04-md-1598-JSR
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PERTAINS TO THE FOLLOWING CASE:	:	<b>AFFIDAVIT FOR</b>
	:	<b>ADMISSION PRO</b>
	:	<b>HAC VICE OF</b>
Cross v. Muscletech Research and Development, Inc., et al.	:	<b>DEBORAH L.</b>
Case No. 1:04-cv-8557-JSR	:	<b>McHENRY</b>

Deborah L. McHenry, after first being duly sworn, deposes and states as follows:

1. I am an associate with The Segal Law Firm, 810 Kanawha Boulevard, East, Charleston, West Virginia 25301, which is counsel for plaintiffs Paul and Sherri Cross in MDL Case No. 1:04-cv-8557.

2. I received a B.A. from the University of Charleston in 1981, and graduated in 1984 from the West Virginia University College of Law.

3. As evidenced by the certificates attached hereto as Exhibit 1 and 2, I was admitted in 1984 to practice before the Supreme Court of Appeals of West Virginia and the United States District Court for the Southern District of West Virginia, and am currently a member in good standing of the Bars of both courts. I am also presently admitted to practice before the United States Supreme Court and the United States Court of Appeals for the Fourth Circuit.

4. The Segal Law Firm has represented plaintiffs Paul and Sherri Cross as counsel since the inception of this action, and I was counsel of record in proceedings before the United States

District Court for the Southern District of West Virginia.

5. I have never been censured, suspended, disbarred or otherwise disciplined by any court, nor have I ever been held in contempt of court.

6. I seek admission to the Bar of this Court *pro hac vice* for the purpose of serving as counsel to plaintiffs in *Paul and Sherri Cross v. MuscleTech Research and Dev., Inc., et al.*, Case No. 1:04-cv-8557.

7. I agree to abide by all rules and requirements pertaining to proceedings before this Court, including the Rules of Procedure of the Judicial Panel on Multidistrict Litigation and the local rules of the U.S. District Court for the Southern District of New York.

Further, this affiant sayeth naught.

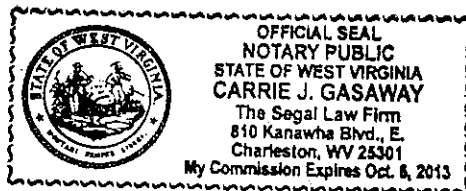
  
DEBORAH L. McHENRY

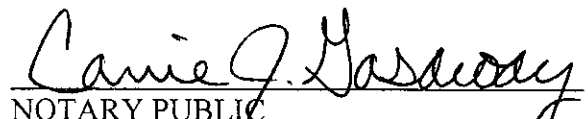
STATE OF WEST VIRGINIA

COUNTY OF KANAWHA

Subscribed, sworn to and acknowledged before me by Deborah L. McHenry, this 13<sup>th</sup>  
day of December, 2004.

My Commission expires: October 6, 2013



  
NOTARY PUBLIC

*STATE OF WEST VIRGINIA*

*I, Rory L. Perry II, Clerk of the Supreme Court of Appeals of West Virginia, hereby do certify that Deborah L. McHenry, of Charleston, West Virginia, an attorney duly licensed to practice law in this State, was admitted to practice law before the Supreme Court of Appeals of West Virginia, the highest court of the State, on the 15<sup>th</sup> day of May, 1984; that she is an attorney in good standing in said Court and is currently on active status and that her private and professional characters are good.*

*Given under my hand and seal of said Court, at Charleston, West Virginia, this 2<sup>nd</sup> day of December, 2004, and in the 142<sup>nd</sup> year of the State.*



A handwritten signature in dark ink, appearing to read "Rory L. Perry II", is written over a horizontal line.

*Clerk, Supreme Court of Appeals of West Virginia*

## CERTIFICATE OF GOOD STANDING

UNITED STATES OF AMERICA

I ss.

SOUTHERN DISTRICT OF WEST VIRGINIA

I, **Teresa L. Deppner,** Clerk of the United States  
District Court for the Southern District of West Virginia

DO HEREBY CERTIFY THAT **DEBORAH LYNN McHENRY** was  
duly admitted to practice in said Court on May 15, 1984 and is in good standing as a member  
of the bar of said Court.

Dated at Charleston

Teresa L. Deppner

\_\_\_\_\_  
Clerk

on December 13, 2004

  
Deputy Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
IN RE: EPHEDRA PRODUCTS LIABILITY LITIGATION	:	1:04-md-1598-JSR
-----X	:	
PERTAINS TO THE FOLLOWING CASE:	:	<b>AFFIDAVIT FOR</b>
	:	<b>ADMISSION PRO</b>
	:	<b>HAC VICE OF</b>
Cross v. Muscletech Research and Development, Inc., et al.	:	<b>VICTOR S.</b>
Case No. 1:04-cv-8557-JSR	:	<b>WOODS</b>

Victor S. Woods, after first being duly sworn, deposes and states as follows:

1. I am an associate with The Segal Law Firm, 810 Kanawha Boulevard, East, Charleston, West Virginia 25301, which is counsel for plaintiffs Paul and Sherri Cross in MDL Case No. 1:04-cv-8557.

2. I received a B.A. from the University of Chicago in 1985, and graduated in 1995 from the West Virginia University College of Law.

3. As evidenced by the certificates attached hereto as Exhibits 1 and 2, I was admitted in 1995 to practice before the Supreme Court of Appeals of West Virginia and the United States District Court for the Southern District of West Virginia, and am currently a member in good standing of the Bars of both courts. I am presently admitted to practice before all state and federal courts in the State of West Virginia, as well as the United States Court of Appeals for the Fourth Circuit.

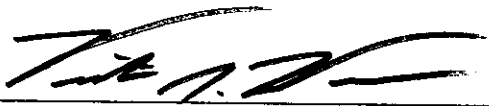
4. The Segal Law Firm has represented plaintiffs Paul and Sherri Cross as counsel since the inception of this action, and I was counsel of record in proceedings before the United States District Court for the Southern District of West Virginia.

5. I have never been censured, suspended, disbarred or otherwise disciplined by any court, nor have I ever been held in contempt of court.

6. I seek admission to the Bar of this Court *pro hac vice* for the purpose of serving as counsel to plaintiffs in *Paul and Sherri Cross v. MuscleTech Research and Dev., Inc., et al.*, Case No. 1:04-cv-8557.

7. I agree to abide by all rules and requirements pertaining to proceedings before this Court, including the Rules of Procedure of the Judicial Panel on Multidistrict Litigation and the local rules of the U.S. District Court for the Southern District of New York.

Further, this affiant sayeth naught.

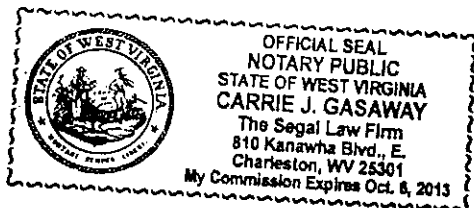
  
VICTOR S. WOODS

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA

Subscribed, sworn to and acknowledged before me by Victor S. Woods, this 13<sup>th</sup> day of December, 2004.

My Commission expires: October 6, 2013

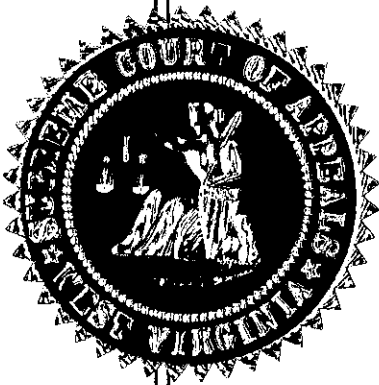


  
NOTARY PUBLIC

*STATE OF WEST VIRGINIA*

*I, Rory L. Perry II, Clerk of the Supreme Court of Appeals of West Virginia, hereby do certify that Victor S. Woods, of Charleston, West Virginia, an attorney duly licensed to practice law in this State, was admitted to practice law before the Supreme Court of Appeals of West Virginia, the highest court of the State, on the 2<sup>nd</sup> day of October, 1995; that he is an attorney in good standing in said Court and is currently on active status and that his private and professional characters are good.*

*Given under my hand and seal of said Court, at Charleston, West Virginia, this 2<sup>nd</sup> day of December, 2004, and in the 142<sup>nd</sup> year of the State.*



A handwritten signature in black ink, appearing to read "Rory L. Perry II", is written over a horizontal line.

*Clerk, Supreme Court of Appeals of West Virginia*

## CERTIFICATE OF GOOD STANDING

UNITED STATES OF AMERICA

) ss.

SOUTHERN DISTRICT OF WEST VIRGINIA

I, **Teresa L. Deppner,** Clerk of the United States  
District Court for the Southern District of West Virginia

DO HEREBY CERTIFY THAT **VICTOR SHAWN WOODS** was  
duly admitted to practice in said Court on **October 2, 1995** and is in good standing as a member  
of the bar of said Court.

Dated at **Charleston**

**Teresa L. Deppner**

\_\_\_\_\_  
Clerk

on **December 13, 2004**

  
Deputy Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
IN RE: EPHEDRA PRODUCTS LIABILITY LITIGATION : 1:04-md-1598-JSR  
: :  
-----X  
PERTAINS TO THE FOLLOWING CASE: : **CERTIFICATE**  
: **OF**  
: **SERVICE**  
Cross v. Muscletech Research and Development, Inc., et al. :  
Case No. 1:04-cv-8557-JSR :

**CERTIFICATE OF SERVICE**

This is to hereby certify that a copy of the foregoing *Notice of Motion for Admission Pro Hac Vice* was served by mailing (and e-mail where indicated) a true and correct copy of the same this 13<sup>th</sup> day of December, 2004 to the following:

Christopher A. Seeger, Esq.  
SEEGER WEISS LLP  
One William Street  
New York, New York 10004  
cseeger@seegerweiss.com

Plaintiffs' Liaison Counsel

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BINGHAM McCUTCHEN  
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peter.neger@bingham.com

Defendants' Liaison Counsel

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Thomas A. Lincoln, Esq.  
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Counsel for Muscletech

Robert M. Hirsh, Esq.  
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New York, NY 10168  
rmhirsh@duanemorris.com

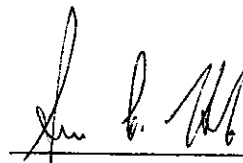
Counsel for Muscletech

Stephen B. Farmer, Esq.  
G. Kenneth Robertson, Esq.  
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P.O. Box 3842  
Charleston, WV 25338 Counsel for Muscletech

Shawn P. George, Esq.  
GEORGE & LORENSEN, PLLC  
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Charleston, WV 25311 Counsel for GNC Defendants

R. Scott Long, Esq.  
Apryll H. Boggs, Esq.  
HENDRICKSON & LONG, PLLC  
214 Capitol Street  
P.O. Box 11070  
Charleston, WV 25339 Counsel for Peak Wellness, Inc.;  
Carlton Colker, M.D.; Miami  
Research Assoc., Inc.; and Douglas  
Kalman

Michael B. Victorson, Esq.  
Dennis Sauter, Esq.  
JACKSON & KELLY, PLLC  
1600 Laidley Tower  
P.O. Box 553  
Charleston, WV 25322 Counsel for Stuart Lowther



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Samuel A. Hrko  
**The Segal Law Firm**  
A Legal Corporation  
810 Kanawha Boulevard, East  
Charleston, West Virginia 25301  
(304) 344-9100